



DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration
Rockville MD 20857

JUL - 2 1999 0552 '99 JUL -6 P1:41

The Honorable Max Cleland
United States Senator
75 Spring Street, S.W.
Suite 1700
Atlanta, Georgia 30303

Dear Senator Cleland:

Thank you for your letter of May 21, 1999, on behalf of your constituent, Mr. Hugh M.S. Lovel of Blairsville, Georgia, concerning actions by the Food and Drug Administration (FDA or the Agency) in regard to labeling of foods treated with ionizing radiation.

The 1997 FDA Modernization Act (PL 105-115) states that "[n]o provision . . . shall be construed to require on the label or labeling of a food a separate radiation disclosure statement that is more prominent than the declaration of ingredients . . ." FDA published a final rule implementing this provision of the law in the Federal Register of August 17, 1998. A copy of this regulation, along with the pre-existing labeling requirements for food treated with ionizing radiation (21 CFR 179), are enclosed for your information.

In addition, the Statement of Managers accompanying the FDA Modernization Act directed FDA to publish for public comment further proposed changes to the Agency's current labeling regulations. The managers stated their intention that any required labeling be of a type and character such that it would not be perceived to be a warning or give rise to inappropriate consumer anxiety. On February 17, 1999, FDA published an Advance Notice of Proposed Rulemaking (ANPR) in the Federal Register soliciting public comment on whether additional revisions to the current irradiation labeling requirements are needed and, if so, what form such revisions might take. The deadline for comments in response to the ANPR has been extended to July 19, 1999.

98N 1038

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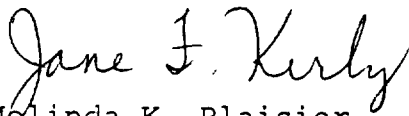
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We have forwarded Mr. Lovel's correspondence to the Docket for inclusion in the record. FDA's final approach to labeling of irradiated foods will take into account all of the data and information received.

Because your constituent may be concerned about irradiation labeling for meat and poultry, you may also wish to contact the United States Department of Agriculture (USDA) for information. (USDA has primary regulatory authority over meat and poultry products, including the labeling of such products.)

We have also enclosed some general background on the issue of irradiation. We trust this responds to your concerns. If we may be of further assistance, please contact us again.

Sincerely,


for Melinda K. Plaisier
Interim Associate Commissioner
for Legislative Affairs

Enclosures

cc: Dockets Management Branch
(98N-1038)

MAX CLELAND
GEORGIA

WASHINGTON, DC 20510
202-224-3521

COMMITTEES
ARMED SERVICES
COMMERCE
GOVERNMENTAL AFFAIRS
SMALL BUSINESS

United States Senate

WASHINGTON, DC 20510-1005

May 21, 1999

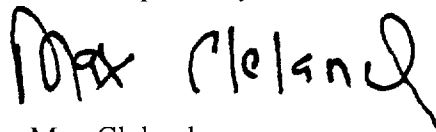
Ms. Melinda Plaisier, Interim Associate Commissioner
Office of Legislative Affairs
Food and Drug Administration
5600 Fisher's Lane
Room 15-55
Rockville, Maryland 20857

Dear Melinda:

I received the enclosed inquiry from one of my constituents. Please review the matter thoroughly, in accordance with established policies and procedures, and provide me with a full report.

I look forward to hearing from you in the near future.

Most respectfully,



Max Cleland
United States Senator

MC:frw

Enclosure

PLEASE REPLY TO:
Office of U.S. Senator Max Cleland
ATTN: Felicia Williams
75 Spring Street, S.W.
Suite 1700
Atlanta, Georgia 30303
(404)331-4811

No. 99-3671

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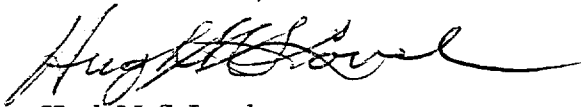
Office of Georgia Senator Max Cleland
U. S. Senate
Washington, D.C. 20510

Dear Nathan,

This is in regard to Docket #98N-1038, "Irradiation in the production, processing, and handling of food."

Enclosed is a copy of my letter of this date to the FDA re: Docket 398N-1038. As you will see I believe their contempt for the public will has ascended to great--even if not new--heights. The public has long made its will known by overwhelmingly NOT buying irradiated foods that are labeled as such. This is an issue where the industries involved have had a particularly hard time selling cardboard cut-out scientific studies "proving" irradiation is safe. Even if irradiated food were safe it doesn't taste as good and is impaired nutritionally. Some people can't tell the difference, of course, but I'd imagine that you are discriminating enough that you could. I ask you, don't YOU personally want irradiated foods labeled as such so YOU can avoid buying them?

Truly,
Your Constituent,



Hugh M. S. Lovel
Blairsville, Georgia

P. S. I've appreciated your views on the the war in Yugoslavia.

Enclosure: Letter to the FDA. Dear FDA,

This is in reference to Docket #98N-1038, "Irradiation in the production, processing, and handling of food."

Approving the irradiation of food without labeling it as irradiated is clearly against the public will. The American public has long made its preference for accurate and full disclosure on food labels--a fact the FDA has made quite a big deal of when it pleased.

There is a widespread public perception that many key FDA employees are working for their retirement--a perception borne out whenever one of these persons retires to a cushy job in the very industries they formerly regulated--something that happened in the rBST flap for example. While there may be difficulty proving this violates existing laws, it is transparent skullduggary.

I wish you well, especially since you obviously are so far along the path to ill that you'll need the turn-around.

I'm sending a copy of this to my congressman and senators.

Sincerely,
Hugh M. S. Lovel
8475 Dockery Road
Blairsville, Georgia 30512